

REMARKS

In the patent application, claims 1-22 are pending. In the Office action, claims 1-22 are rejected. Claims 1, 8, 12, 17, 21 and 22 are the independent claims.

On page 2 of the office action, the Office acknowledges receipt of Applicant's arguments filed November 16, 2007. In response, the Office has withdrawn the 35 USC §101 rejection of claim 21. The Office has also indicated that the error with regard to foreign priority will be corrected, and that the specification amendments have been placed in the file.

Applicant has amended independent claims 1, 8, 12, 17, 21 and 22 to more particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Support for the amendment can be found in Figures 1-5. No new matter has been introduced by way of amendment.

Applicant has amended claim 6 to correct a typographical error.

Claim Rejections – 35 U.S.C. 102

On pages 5-6 of the office action, the Examiner rejects claim 1 under 35 U.S.C. 102 as being anticipated by *Driskell* (U.S. Patent No. 6,239,803). Applicant respectfully disagrees.

*Driskell* fails to disclose “defining at least a first identification part and a second identification part that are contained in each function element of the at least two function elements, displaying the first identification part of each of the at least two function elements in said first direction on an outermost display area of plural outermost display areas, displaying the second identification part of each of the at least two function elements on at least one display area between said outermost display areas in such a manner that a second identification part of a first function element and a second identification part of a second function element are positioned at least substantially next to each other in a second direction substantially perpendicular to said first direction.” [Emphasis added.] This concept is represented best in Figures 1-5. As claimed and shown, an identification part, such as an icon, is shown in each of the two outermost display areas (in Figures 1-5, these are essentially the right and left thirds of the display screen); the corresponding second identification parts, such as textual labels, for each of the two identification

icons are shown in an aligned manner (i.e. top and bottom) in the central display area between the two outermost display areas.

As taught in *Driskell* at col. 7, line 67 – col. 8, line 3, and col. 11, lines 17-18, 61-66, the menu is divided into a “shell” area enabling the user to highlight and select the desired item, and a central area comprising “function-areas” which essentially contain navigational tools. As disclosed in Figure 1 of *Driskell*, for example, the first identification part, “Icon A, 1A08,” of the first function element (a function element being equivalent to e.g. 1A04) and the second identification part, “Label #1,” of the first function element are displayed together in a horizontally aligned manner in one of the two outermost display areas; no identification part is represented in the area between the outermost display areas. Further, there is no first identification part for the second function element having the second identification part “Label #2,” the fourth function element having the second identification part “Label #4,” nor the fifth function element having the second identification part “Label #5.” Moreover, there is no second identification part for the third function element having the first identification part “Icon B,” nor the sixth function element having the first identification part “Icon C.” At page 3 of the Office action, the Office states that:

Driskell illustrates multiple function elements in FIG. 1A. Applicant argued that Label #7 does not have the image icon at the outermost, however Label #2 has inherently an icon. Driskell illustrates in FIG. 1, 1A08, Icon A (outermost) and label #1 (substantially perpendicular to Icon A), and it is inherent in FIG. 1A, 1A02, that Label #2 has an image as well, therefore two function elements are substantially next to each other and they both are substantially perpendicular.

Applicant respectfully submits that, as claimed, a function element must contain both a first identification part and a second identification part. As applied to *Driskell*, the first identification part is an icon and the second identification part is a label. Applicant respectfully submits that contrary to the Office’s assertion, *Driskell* does not disclose that in FIG. 1A, 1A02 that Label #2 inherently has an icon; not only for the reason that FIG. 1A, 1A02 shows some function elements to contain only the first identification part (icon) and some function elements to contain only the second identification part (label), but also that *Driskell* discloses at col. 11, lines 36-37 that “‘Active’ regions contain an icon 1A08 and/or a label 1A10 and may be selected or de-selected.” [Emphasis added.] Applicant respectfully points out that *Driskell* indicates that each function element does not inherently contain both a first (icon) and second (label) identification part. Thus, the Office’s assertion that “two function elements are substantially next to each other and they both

are substantially perpendicular" is not according to the claimed invention since each of the at least two function elements must contain a first identification part *and* a second identification part. In other words, if the menu comprises eight function elements (as in FIG. 1, 1A02), all eight of those function elements must each have a first identification part *and* a second identification part. In view of this reasoning, *Driskell* fails to anticipate claim 1.

Furthermore, as amended, claim 1 recites that "a second identification part of a second function element are aligned at least substantially next to each other in a second direction substantially perpendicular to said first direction such that the second identification part of the first function element and the second identification part of the second function element occupy an amount of space that is substantially equivalent to an amount of space occupied by the first identification part of the first function element in said second direction." [Emphasis added.] *Driskell* does not disclose any such feature. On the contrary, as shown in Figure 1, *Driskell* discloses that first (e.g. icon) and second (e.g. label) identification parts of a function element (e.g. 1A04) are approximately the same size. Nowhere does *Driskell* disclose that the second identification parts of first and second function elements are aligned and sized in a manner as recited in claim 1. Further in view of this reasoning, *Driskell* fails to anticipate claim 1.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 USC §102(b).

Claims 2-5 and 7 are dependent from claim 1 and recite features not recited in claim 1. For at least the reasons regarding claim 1 above, claims 2-5 and 7 are also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-5 and 7 under 35 USC §102(b).

On page 8 of the office action, the Examiner rejects claim 8 under 35 U.S.C. 102 as being anticipated by *Driskell* (U.S. Patent No. 6,239,803). Applicant respectfully disagrees.

As amended, claim 8 is an independent claim having similar features as claim 1 and is rejected for the same reasons as claim 1. For at least the reasons regarding claim 1 above, claim 8 is also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 8 under 35 USC §102(b).

Claims 9-11 are dependent from claim 8 and recite features not recited in claim 8. For at least the reasons regarding claim 8 above, claims 9-11 are also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 9-11 under 35 USC §102(b).

On page 8 of the office action, the Examiner rejects claim 12 under 35 U.S.C. 102 as being anticipated by *Driskell* (U.S. Patent No. 6,239,803). Applicant respectfully disagrees.

As amended, claim 12 is an independent claim having similar features as claim 1 and is rejected for the same reasons as claim 1. For at least the reasons regarding claim 1 above, claim 12 is also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 12 under 35 USC §102(b).

Claims 13-15 are dependent from claim 12 and recite features not recited in claim 12. For at least the reasons regarding claim 12 above, claims 13-15 are also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 13-15 under 35 USC §102(b).

On page 9 of the office action, the Examiner rejects claim 17 under 35 U.S.C. 102 as being anticipated by *Driskell* (U.S. Patent No. 6,239,803). Applicant respectfully disagrees.

As amended, claim 17 is an independent claim having similar features as claim 1 and is rejected for the same reasons as claim 1. For at least the reasons regarding claim 1 above, claim 17 is also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 17 under 35 USC §102(b).

Claims 18-20 are dependent from claim 17 and recite features not recited in claim 17. For at least the reasons regarding claim 17 above, claims 18-20 are also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 18-20 under 35 USC §102(b).

On page 10 of the office action, the Examiner rejects claim 21 under 35 U.S.C. 102 as being anticipated by *Driskell* (U.S. Patent No. 6,239,803). Applicant respectfully disagrees.

As amended, claim 21 is an independent claim having similar features as claim 1 and is rejected for the same reasons as claim 1. For at least the reasons regarding claim 1 above, claim 21

is also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 21 under 35 USC §102(b).

On page 10 of the office action, the Examiner rejects claim 22 under 35 U.S.C. 102 as being anticipated by *Driskell* (U.S. Patent No. 6,239,803). Applicant respectfully disagrees.

As amended, claim 22 is an independent claim having similar features as claim 1 and is rejected for the same reasons as claim 1. For at least the reasons regarding claim 1 above, claim 22 is also distinguishable over the cited *Driskell* reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22 under 35 USC §102(b).

*Claim Rejections – 35 U.S.C. 103*

On pages 14-15 of the office action, the Examiner rejects claims 6 and 16 under 35 U.S.C. 103 as being unpatentable over *Driskell* (U.S. Patent No. 6,239,803) in view of *Twerdahl et al.* (U.S. Publication No. 2004/0221243). Applicant respectfully disagrees.

Claims 6 and 16 are ultimately dependent from independent claims 1 and 12 and recite features not recited in claims 1 and 12. *Driskell* does not disclose all the features of independent claims 1 and 12 as discussed above with regard to the rejection under 35 USC §102, and *Twerdahl et al.* fails to disclose the features not disclosed in *Driskell*. Thus, Applicant respectfully submits that since *Driskell* in view of *Twerdahl et al.* fails to disclose all the features of independent claims 1 and 12, *Driskell* in view of *Twerdahl et al.* fails to render the claimed invention obvious. Therefore, for at least the reasons regarding claims 1 and 12 above, claims 6 and 16 are patentable over *Driskell* in view of *Twerdahl et al.* Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6 and 16 under 35 USC §103(a).

CONCLUSION

The rejections of the Office action of February 5, 2008 have been obviated by amendment or shown to be inapplicable herein, therefore, withdrawal thereof is requested and passage to issue of claims 1-22 is earnestly solicited.

Respectfully submitted,



4.23.08

Cathy A. Sturmer  
Agent for the Applicant  
Registration No. 60,869

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234  
Customer No. 004955